IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.737 OF 1991

Shri Haibatrao Daulatrao Surve : Petitioner/ landholder

V/s.

The State of Maharashtra & Ors. : Respondents

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Mr.N.V.Bandiwadekar for the petitioner.

Mr.M.H.Solkar, Asstt. Govt. Pleader, for respondent nos.1 to 3.

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CORAM : S.A. BOBDE, J.

June 8, 2005.

P.C.:

1. The petitioner has prayed for the issue of a conversion certificate in respect of his land bearing R.S. no.862 situate at village Karveer, taluka Karveer, dist. Kolhapur, from the date of payment of Rs.25/- per sq. mtr. as the market value of the said land. This market value is said to have been fixed by respondent no.3 by his decision dated 10.9.1990 rendered in Appeal no.A/LNR/SR-69/90. The decision dated 10.9.1990 is in favour of the petitioner and by that decision, the Addl. Commissioner, Pune Division, has held the petitioner's

land to be inam class II land re-granted to him in the year 1968. The petitioner had applied for conversion of the land to non-agricultural purpose. The question arose as to the amount payable by the petitioner to the Government. The Collector referred the matter pertaining to the market value of the land to the Asstt. Director, Town Planning, who valued the land at Rs.25/- per sq. mtr. However, the Collector upon receiving the report enhanced it to Rs.90/- per sq. mtr. without stating any reason or relying on any valuation. The petitioner, therefore, approached the Addl. Commissioner, Pune Division, who reversed the valuation of the Collector on the basis of the petitioner's submission that the land adjoining the State Highway was valued at Rs.25/- per sq. mtr. in the year 1989. Taking into account the fact that this was also the rate determined by the Asstt. Director of Town Planning, the Addl. Commissioner, Pune Division, directed that the Collector should work out the amount of nazarana, taking into consideration the rate of Rs.25/- per sq. mtr. and N.A. assessment and conversion tax at the rate specified in the order. The petitioner has approached this Court for implementation of this order by the Collector.

2. No sufficient cause is pointed out as to why this

order is erroneous in law. In fact, this Court, after hearing both the sides, granted interim relief in terms of prayer clause (iii) as early as 26.2.1991. Prayer clause (iii) reads as follows:-

> "iii) pending the hearing and final disposal of this Writ Petition, the Respondent No.2 be directed by a suitable order to forthwith issue conversion certificate in the name of the Petitioner vis-a-vis land bearing R.S. No.862 situated in village Karveer, Taluka Karveer, Dist. Kolhapur within 3 weeks from the date of payment of Rs.25 per sq. mtr. as market value of the said land as fixed by the Respondent No.3 vide his decision dated 10.9.1990 rendered in Appeal No.A/LNR/SR-69/1990."

3. Having regard to the circumstances narrated above, there is no reason why the petition should not be allowed.

4. The rule is made absolute in terms of prayer clause (iv) which reads as follows:-

"iv) By suitable writ, order or direction under Article 226 of the Constitution of India, this Hon'ble Court would be pleased to issue writ of mandamus to the Respondent No.2 thereby directing him to forthwith implement the decision dated 10.9.1990 rendered by the Respondent No.3 in Appeal No.A/LNR/SR-69/1990."

Sd/-

S.A. BOBDE, J.